



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,359	06/28/2001	Kurt A. Keil	KK#2-3	2197

7590 07/27/2005
Arthur R. Eglington, Esq.
113 Cross Creek Dr., R.D. #5
Pottsville, PA 17901

EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
----------	--------------

3637

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,359

Applicant(s)

KEIL, KURT A.

Examiner

Phi D. A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20, 23 is/are allowed.
- 6) ☒ Claim(s) 21, 22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-22, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sher (4054268).

Sher (figure 7) shows a rigid channel member(50) having three member sidewalls being generally planar throughout their length, the channel member being provided with linear groovings(150s, the grooves next and below the tips of parts 154) along at least one planar surface, the channel member being provided with linear groovings along at least one planar surface, the channel members having open longitudinal ends, the transverse configuration being of the three sidewalls having a generally squared cross section and which defines an opposing longitudinal opening opposing the central member of the three sidewalls with one open sidewall and having open longitudinal ends, the first pair of externally placed, linear groovings (the grooves next and below the tips of parts 154) arrayed in parallel with each of the groovings being located coincident/proximal with the two seams of the center sidewall (50"), the externally placed linear grooving (the grooving located next to and below the tips of parts 154) being located in at least one of the sidewalls adjacent to the center sidewall, each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger from one sidewall end segment from the adjacent sidewall end segments while maintaining the structural

Art Unit: 3637

integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.

Sher does not disclose the channel member being sheet steel stock.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Sher to show the pressure plate channel member being sheet steel stock because sheet steel stock is well known pressure plate material as they are strong.

Allowable Subject Matter

3. Claims 1-20, 23 are allowed.

Response to Arguments

4. Applicant's arguments with respect to claims 21-22 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed 5/2/05 to claims 24-26 have been fully considered but they are not persuasive.

Applicant states that the 103 rejection is improper as it is based on one reference, examiner respectfully disagrees. As stated above, the use of steel stock to form plate structure is well known as steel is known for its strength and availability. Furthermore, applicant has not stated why the modification is improper. The argument is thus moot.

With respect to applicant's assertion that Sher does not show the inventive channel members with the stated cross sections, examiner respectfully disagrees. As pointed out above, Sher shows a channel having a generally squared transverse configuration. This is consistent with applicant use of "square" to indicate the sides being perpendicular to the central portion. The argument is thus moot.

With respect to applicant's statements that the "present channel members are always coupled with one or more pairs of functional linear grooving", Sher as pointed out above, shows one or more pairs of functional linear grooving. Also, it is unclear what applicant means by "functional". The argument is thus moot.

Also, the change in the rejection for the "linear groovings" is reflective of applicant's change in the claimed language per the linking of the "externally placed, linear groovings" of claim 22 to claim 21.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

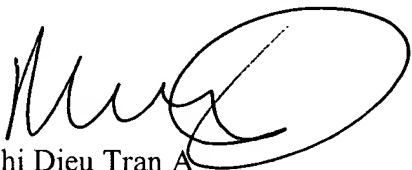
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

Art Unit: 3637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', enclosed within a large, loopy oval shape.

Phi Dieu Tran A

7/24/05